

ENVIRONMENT, PLANNING & AGRICULTURE COMMITTEE

PARKS & RECREATION COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A special joint meeting of the Environment, Planning & Agriculture Committee and Parks & Recreation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on October 24, 2006 to discuss the matter of the Operating Budget.

MEMBERS PRESENT:

Leg. Vivian Vilorio•Fisher, Chairperson of Environment, Planning & Agriculture Committee/member of Parks & Recreation Committee

Leg. Lou D'Amaro, Vice Chair of Environment, Planning & Agriculture Committee

Leg. Edward P. Romaine, member of Environment, Planning & Agriculture Committee

Leg. Daniel P. Losquadro, member of Environment, Planning & Agriculture Committee

Leg. Lynne C. Nowick, Chairperson of Parks & Recreation Committee

Leg. Kate M. Browning, member of Parks & Recreation Committee

ALSO IN ATTENDANCE:

Leg. John M. Kennedy, Jr., Twelfth District

Gail Vizzini, Director of Budget Review Office

Lance Reinheimer, Assistant Director BRO

Kevin Duffy, BRO

Jill Moss, BRO

Verna Donnan, BRO

Ben Zwirn, Assistant Deputy County Executive

Ronald Foley, Commissioner of Parks Department

Michael Deering, Commissioner of Environment and Energy Department

Tom Isles, Director of Planning Department

Patricia Zielenski, Real Estate Department

Linda Burkhardt, Legislative Aide

Linda Bay, Aide to Minority Leader

Fran Siems, Legislative Aide

Deborah Harris, Aide to Leg. Stern

Catherine Stark, Aide to Leg. Schneiderman

Allen Kovesdy, Budget Office, County Executive

Thomas Williams, Cornell Cooperative Extension

Paul Matthews, Long Islanders for Environment

All other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

(THE MEETING COMMENCED AT 1:51 PM)

LEG. D'AMARO:

We are waiting for a few other Legislators to arrive including Vivian Vilorio•Fisher to Chair the Committee. She should be here in about five minutes so we appreciate your patience and we'll be back to you then. Thank you.

CHAIRPERSON NOWICK:

Good afternoon everybody. Good afternoon. Welcome to hearings for the Operating Budget. We'll start with the salute to the flag, please, led by Legislator D'Amaro.

SALUTATION

CHAIRPERSON NOWICK:

This is a combined meeting of the Parks Committee and the Environment. And since I Chair Parks, I will start with anybody that would be interested in addressing those issues. Is there anybody here for the Operating Budget for Parks? And that would be a no. Okay. Okay. I'll give you a few more minutes to think of that. Commissioner Foley, did you have anything to add to this? Or are you happy?

COMMISSIONER FOLEY:

I don't want to leave a misapprehension. I have great interest in Parks. And as I've said before we've followed as closely as we could the instructions that came for preparation of the budget.

It essentially is a zero increase. It meant that we shifted money around in various places to cover unavoidable increases like utilities and heating costs, things like that. It's not very exciting in terms of great change. There are a few initiatives in there that will help us run things better. We are slowly improving our processes and procedures to get better internal controls to deal with revenue reporting more quickly. We haven't achieved all the goals we've set but we are continually progressing toward them.

This continues, I think, a good conservative operation of the parks system. No public budget is going to do everything we want to do. But this is reasonable. It lets us keep providing, I think, a good quality of service. And I'd be happy to answer any questions you have.

CHAIRPERSON NOWICK:

Legislator Romaine has a question. No, that's fine. So it sounds like you are pretty much in sync with the Operating Budget?

COMMISSIONER FOLEY:

Yes.

CHAIRPERSON NOWICK:

Okay.

COMMISSIONER FOLEY:

Essentially, yeah.

CHAIRPERSON NOWICK:

Legislator Romaine, if you had a question.

LEG. ROMAINE:

Yes. Yes, I did. Let me understand. You were given instructions to present a zero percent increased budget by the County Executive?

COMMISSIONER FOLEY:

That's correct.

LEG. ROMAINE:

However, in the real world that we live in, certain costs rise every year. Gas, electric, utilities. There's, I believe, a contract with the people who work for the County where there are built-in increases.

COMMISSIONER FOLEY:

Correct.

LEG. ROMAINE:

So by the very nature of those things, is, in fact, a zero percent increase actually a cut in the budget considering that fixed expenses are rising such as salaries, benefits, utilities, gas, electric, etcetera. Is that, in fact, a reduction in services?

COMMISSIONER FOLEY:

Not completely.

LEG. ROMAINE:

Okay.

COMMISSIONER FOLEY:

That instruction excluded salaries ••

LEG. ROMAINE:

Okay.

COMMISSIONER FOLEY:

•• as a category. It was the understanding that the Budget Office would adjust those based on what they knew the increased costs would be and I believe they made that adjustment. And there is some increase in the budget. After we complied with the instructions, we had conferences to discuss the kind of uncontrollable increases in heat and light and things like that we talked about. Adjustments were made for those things.

LEG. ROMAINE:

Are you thinking about putting more alternative sources of power to power different operations to the parks like windmills?

COMMISSIONER FOLEY:

We're thinking about alternatives. Windmills has not been one of them yet. There's a certain aesthetic you want to maintain in parklands.

LEG. ROMAINE:

Don't say that to Richard Kessel.

COMMISSIONER FOLEY:

I don't want to get in that debate at this point. We are talking about solar energy and incorporating that into master plans or plans for capital improvements where incorporating those things make sense. So we are looking at those things.

LEG. ROMAINE:

Are you familiar •• if you're not I'll give you a brief explanation. There's a resolution 242 of '99. That resolution sets up a certain •• a ratio between the amounts of lands that Park maintains and the number of Park Police that we should have. If that resolution was implemented, if we were in

compliance, if the County did not violate this law, we would actually have 14 new Park Police Officers this year.

Obviously the Legislature, and I know this because I served a little bit on the •• with the working group •• is considering putting some positions in. But clearly is the •• is your department and/or the Executive concerned about complying with the resolutions of this County as it deals with staffing ratios?

COMMISSIONER FOLEY:

Well, we do the best we can to comply with all the laws, rules, and regulations you pass. We're concerned about that. And I think any government official would tell you, we'll take whatever you can give us. And whatever you don't give us we'll do the best we can to manage with.

LEG. ROMAINE:

Right.

COMMISSIONER FOLEY:

And that's the position we're in.

LEG. ROMAINE:

Right.

COMMISSIONER FOLEY:

We think, given the resources we have, without being overly burdensome on the tax payers we're doing the best job we can to protect the land and the people who use the parks.

LEG. ROMAINE:

Talk to me a little bit about the Park Police and deployment of Park Police and how they operate within this County; because I'm concerned that some of our parklands are not being as well protected as they should be, as well patrolled as they were meant to be.

We do have a resolution on the books that was signed into law by the Executive and approved by this Legislature; so it is a law. It's not what we did. It's what the Executive and Legislative branch did jointly on behalf of the County, which says that to be in compliance we're 14 positions short of being in compliance with a law on the books.

COMMISSIONER FOLEY:

Well, the way we patrol, the way we use the Park Police to protect both the users of the parks and the lands that they own, is the •• Suffolk County is divided up into three zones. We have 42 positions in the Park Police force. Currently there are five vacancies. A little more than a year ago, you and the County Executive approved the hiring of seven officers. That was the largest hiring of police officers since the 1970's sometime.

So you have and the County Executive has recognized our obligation to protect these people and places twenty four hours a day, seven days a week over those three sections of Suffolk County. We deploy those 42 officers when we have a full staff. We do have an attrition problem. People come in and leave fairly quickly.

LEG. ROMAINE:

And is that because of the salary level of the Park Police?

COMMISSIONER FOLEY:

I believe in part it is. They find other places more attractive once they complete the academy. But it's •• again, it's everyone who becomes a Park Police Officer has to go to the same academy required by every other police force. So once we do that, send them through the academy ••

LEG. ROMAINE:

All right, they become eligible. Right.

COMMISSIONER FOLEY:

•• they're immediately eligible for other jobs.

LEG. ROMAINE:

Has any thought been given by your office or the Executive's Office of consolidating the Park Police under the Deputy Sheriffs?

COMMISSIONER FOLEY:

Not ••

LEG. ROMAINE:

And allowing Deputy Sheriffs to patrol parks?

COMMISSIONER FOLEY:

Not serious thought.

LEG. ROMAINE:

Okay.

COMMISSIONER FOLEY:

And it's not an idea that appeals to me.

LEG. ROMAINE:

I can understand why. All right, thank you very much.

COMMISSIONER FOLEY:

Okay.

LEG. ROMAINE:

Is there any •• anything that you felt should •• at this hearing you should bring to the Legislators' attention of special note regarding your department that we should be aware of?

COMMISSIONER FOLEY:

Nothing comes to mind right now.

LEG. ROMAINE:

Okay.

COMMISSIONER FOLEY:

We've got some initiatives that will be coming up over the next year or so. And I think we've got some exciting things that many of you have urged us to do and we'll be putting those to work.

LEG. ROMAINE:

One last final question. I know there was a lot of discussion about the skeet and trap range earlier this year •• whatever. And there was a decision made. But, do we from time to time not only skeet and trap but other park facilities, do we examine and take a look at whether they need an environmental clean up or not?

COMMISSIONER FOLEY:

I can't say. I can't point out one where that specifically happened.

LEG. ROMAINE:

Okay.

COMMISSIONER FOLEY:

It usually happens during the acquisition process. If we're acquiring something and there's a suspicion that there's a problem, Real Estate deals with it in some way. I'm not aware that we have environmental problems in any park that would require that level of scrutiny.

LEG. ROMAINE:

Including the skeet and trap. I just ••

COMMISSIONER FOLEY:

Well that we're dealing with in the contract.

LEG. ROMAINE:

Okay.

COMMISSIONER FOLEY:

We know there's lead laying out there on that field from its prior operation. And the current operator has an obligation to in the first five years of his contract do a reclamation of lead on that property. He plans to do it four years early, actually.

LEG. ROMAINE:

He does.

COMMISSIONER FOLEY:

Yes.

LEG. ROMAINE:

Thank you very much, Commissioner.

COMMISSIONER FOLEY:

You're welcome.

LEG. ROMAINE:

You've been very helpful. Thank you.

COMMISSIONER FOLEY:

Thank you.

CHAIRPERSON NOWICK:

Thank you, Commissioner. Is there anybody else that would like to ask a question of the Commissioner? Okay then ••

LEG. KENNEDY:

Madam Chair?

CHAIRPERSON NOWICK:

Oh, yes. Certainly, Legislator Kennedy.

LEG. KENNEDY:

While not a member on the Parks Committee, I always find it entertaining and enjoyable to speak to the Parks Commissioner so I won't miss this opportunity. Just a couple of questions I guess for a couple of areas that I'm going to ask you to comment on, if you would, Commissioner.

One is, and I apologize if this has been discussed already, But I see that there is a transfer in the budget of a Director of Management and Research from the Health Department to your office.

COMMISSIONER FOLEY:

Yes.

LEG. KENNEDY:

You're familiar with that?

COMMISSIONER FOLEY:

I am.

LEG. KENNEDY:

Okay. Did you seek that?

COMMISSIONER FOLEY:

We sought help in two different areas. In our accounting department where we've got to have a better set of systems to move revenue, report revenue, pay bills, just get the systems in place to improve the operation there. And also in the area of contracts we sought some help to move this process of developing and signing contracts along more smoothly.

LEG. KENNEDY:

Totally understandable. As a matter of fact, you know, again having come out of a department, you know, contracts examiner or contracts tech usually a grade 19, grade 18, grade 20, or

something like that, is the kind of person that you would see who would perform that contracts function because it's fairly time consuming but ministerial, and rote and you have to status signatures and whether or not it's come out of the County Attorneys Office and whether it's been implemented and whether the terms are being done; and bonds filed and all the other things associated with it.

Not necessarily something that you would look at •• a person who has had a career, I guess, in the Health Department for an agency that's a multi•hundred million dollar agency and has intimate familiarity with the budget. Likewise, I guess again, remind me what is the size of your budget?

COMMISSIONER FOLEY:

Well, It's like \$18 million, something.

LEG. KENNEDY:

18 million, I see. Okay. And so •• and I don't expect you to know this but I'll ask BRO. What's the size of the Health Department budget? Approximately?

LEG. ROMAINE:

400 million?

MS. VIZZINI:

435 million.

LEG. KENNEDY:

\$435 million. So, in response to the Commissioner's request for some assistance as far as some contract maintenance and some help with managing an \$18 million budget, the administration has elected to take an individual with expertise for an almost half billion dollar budget and assign him to Parks. I don't know. That wisdom escapes me. It seems that each one of these times we sit down we talk about a loss or deficit in vacancies; and yet here •• not that it won't be good to go ahead and have somebody with skill, competence and expertise in Parks. Certainly we want that. But •• all right. I think our Health Department as we heard yesterday is in free fall.

The other question I have for you is on the historic services side. If you could just speak a little bit about the inventory. And then what, if anything, is being done in this budget this year to address that ever increasing abundance of historic properties that are coming into our inventory?

COMMISSIONER FOLEY:

Well, I think by the end of this year, we'll have a much better handle on both the assortment of buildings that need attention most and the cost of that attention that we've ever had before. Last year you and the County Executive approved \$50,000 for us to do a survey. That's almost complete. They've done the individual building assessments of the first 40 or so buildings. Now they have to, working with us, apply some priorities to those. We'll be able to bring that report to you and guide us in crafting the capital budget. This budget proposes to do that again. And that will take us down through the list of the next 40 or so buildings or however many.

So for the first time the County will be able to get a clear picture of what its responsibilities are in terms of these historic buildings. And have a much better sense of what the costs will be to get them in preserved condition or in restored condition depending on the level of restoration or preservation you want to apply to them. So we are making progress there.

There's also a move to restore the programming we lost when we terminated that contract with Friends for Long Island Heritage by earmarking a position. So we'll have a second Assistant Director of Historic Services whose role will be to go out and work with all these non•profit partners we have. Get them trained and how to do programs and hold their hand as they develop programs; which should spin•off to a real tourism benefit for Suffolk County as these places become more accessible and more dependably open for public visits.

LEG. KENNEDY:

Which seems like we are moving in the right direction then. And I guess the last thing that I'll ask you to comment on, and I'm not sure if it's here in the BRO report or not, and it's just, I know that there has been an initiative or an effort to automate the cash collection function at our golf courses, at our parks, at any place where we're really transacting business for admissions or rentals or things like that. How is that initiative going at this point? Where are we at?

COMMISSIONER FOLEY:

In terms of just an overnight switch in the way we did things, I think we did an excellent job. We switched systems almost overnight. The staff at the parks will tell you we killed them.

LEG. KENNEDY:

Good.

COMMISSIONER FOLEY:

Because we dropped this new system on them a couple days before Memorial Day and said here's what you got to work with and didn't have time to do a whole lot of training. If I were to go back and do it again, I'd have started two years sooner defining what all the rules of our system are so

that the vendor could incorporate those into the program without having to make weekly changes to it. So something as big as this requires a lot more forethought than we had the opportunity to give it.

So as much as the change happened quickly, I think customers were better served. I think the employees found it much easier to use. We've got quirks and bugs that we got to work out of this thing. And that's •• there's going to be a big effort to straighten all that stuff out over the winter. And we should have a pretty good bug free system when we get going again in March for golf and then in Memorial Day for park entries and camping and things like that.

LEG. KENNEDY:

Now is this system deployed? We have a, you know, in essence it's almost like a point of sale system or something like that. Is it in all our facilities?

COMMISSIONER FOLEY:

It's both in point of sale and reservation system.

LEG. KENNEDY:

Okay.

COMMISSIONER FOLEY:

So you make your golf course reservations, your camping reservations on this system. And everyone who collects a fee •• well, I shouldn't say everyone. Most people who collect a fee in the County Parks system are using this system.

The few places it's not being used is where there wasn't a real cost benefit advantage to doing it. So a couple of small parks where there were collections and it didn't pay for us to run electricity and the communication connection to the booth. We're even reassessing those; So we may do those also. What was your question?

LEG. KENNEDY:

Just in essence, I guess, did we have it all there?

COMMISSIONER FOLEY:

Yes.

LEG. KENNEDY:

But on the fiscal side, and I know I guess you're still going through it, is allowing you to centralize your deposit function any better?

COMMISSIONER FOLEY:

Absolutely.

LEG. KENNEDY:

Or your reconciliation and things such as that?

COMMISSIONER FOLEY:

Yes. Well, the reconciliation is slow. And you'll see a mention of that in the BRO report. The Parks Department has for some reason always been slow in reconciling its revenue to the IFMS system. This year we know exactly what we collected. The inputting it to the IFMS system has not kept pace with our own reporting from our computerized system. I guess ideally and things are never as simple as I think they should be, the two things will hook right up ••

LEG. KENNEDY:

I was going to say, can you straight upload or do you have to hard key?

COMMISSIONER FOLEY:

I don't •• no, we have •• we're working •• there's a link of people in between the two things.

LEG. KENNEDY:

Oh, is that right?

COMMISSIONER FOLEY:

We know our revenue. We know it's right. But then humans have to enter it into IFMS.

LEG. KENNEDY:

Oh, goodness.

COMMISSIONER FOLEY:

Whether there's a potential for a nexus there, I don't know. It's possible.

LEG. KENNEDY:

Hopefully a vendor will go ahead and work and •• because actually, you know, an imported direct electrical import ••

COMMISSIONER FOLEY:

Right.

LEG. KENNEDY:

•• or file import would be the way to go. The preferred way.

COMMISSIONER FOLEY:

We haven't asked them to concentrate on that yet. We've asked them to do the upfront customer service stuff first. Get all that smoothed out ••

LEG. KENNEDY:

Okay.

COMMISSIONER FOLEY:

•• and then we'll work on the other end of it.

LEG. KENNEDY:

Okay.

COMMISSIONER FOLEY:

But that's why we're a little bit off in inputting this stuff. And those are some of the systems in the accounting bureau we need to work on and improve.

LEG. KENNEDY:

I see. All right. Well, thank you, Madam Chair, as always, and thank you, Mr. Commissioner.

COMMISSIONER FOLEY:

You're welcome.

CHAIRPERSON NOWICK:

Does anybody else have any questions? I was reading in the budget that the •• the recommended budget that plans were underway to contract with Friends of Deepwells. How's that going?

COMMISSIONER FOLEY:

We're •• again, it's a hand holding effort. They have their •• they've submitted the paperwork to establish their 501 C 3 organization. Once that all gets settled then we can •• and we're also concurrently working on the terms of the agreement. But once their paperwork is in and they're ready, I think we can settle on a contract.

CHAIRPERSON NOWICK:

It sounds look a very good move for us.

COMMISSIONER FOLEY:

I think it is.

CHAIRPERSON NOWICK:

Legislator Browning.

LEG. BROWNING:

Good afternoon.

COMMISSIONER FOLEY:

Good afternoon.

LEG. BROWNING:

I know that •• I believe my office has been in touch with you on the likes of 5K race at the Smith Point Beach?

COMMISSIONER FOLEY:

Yes.

LEG. BROWNING:

What the financial impact would be if we were to waive park fees for various events like that?

COMMISSIONER FOLEY:

I don't know that anybody's asked that question.

LEG. BROWNING:

They haven't, okay.

COMMISSIONER FOLEY:

Well, I don't know. They may have. If they did, they asked someone else. I ••

LEG. BROWNING:

Okay.

COMMISSIONER FOLEY:

That's not something we're working on right now.

LEG. BROWNING:

Well, I'll get to you on that.

COMMISSIONER FOLEY:

Okay.

LEG. BROWNING:

I'll talk to you later.

COMMISSIONER FOLEY:

Okay.

CHAIRPERSON NOWICK:

All right. I think that that would wrap up the Parks portion of the Operating Budget. Legislator Vitoria•Fisher has not arrived yet to speak about Environment. So I'm going to turn over the Chair to Legislator D'Amaro who is the •• are you the Vice Chair of Environment? To handle environment. And you do have cards here.

LEG. D'AMARO:

Okay, good afternoon. And I guess what we'll do is we'll start off by hearing from anyone in the audience who wants to address the Committee. We have two cards. For those who may have arrived late and wish to address the Committee, please fill out a yellow card just so we know who you are. First person to address the Committee this afternoon is Paul Matthews. Mr. Matthews.

MR. MATTHEWS:

Good afternoon. Is it possible that I wait until Vivian arrives?

LEG. D'AMARO:

Well, yes, you can do that. But it's •• I don't know when she'll get here. So you can wait. I only have one other card though, so.

MR. MATTHEWS:

Well, if it's not possible say that, too.

LEG. D'AMARO:

Why don't you have a seat? And I promise you that, you know, we'll get to you one way or the other.

MR. MATTHEWS:

Thank you, sir.

LEG. D'AMARO:

Sure. Next person is Thomas Williams.

MR. WILLIAMS:

Good afternoon.

LEG. D'AMARO:

Good afternoon. How are you?

MR. WILLIAMS:

I'm testifying here I guess over our overall budget because we were proposed to be put into the Planning Department for oversight. And so we're not sure •• I've been talking with Tom Isles quite about what all that means. But I think it will be an opportunity to have a department in the County looking at our programs and helping us maintain objectives and see that we are, you know, fulfilling the goals and objectives of the County and what we do.

Cornell Cooperative Extension is an unusual agency in that it is a authorized agency by the State of New York. And while we're a 501 C 3 agency, we do not •• we're not incorporated. So we have a special status throughout New York State. And we're really an arm of and a partner with the County and we're sometimes really considered an additional partner or department within the County.

So this year we are celebrating our 90th year of operation. And we're having our annual meeting November 1st, next weekend. We would invite all of you as Legislators to attend that. It should be an interesting meeting. We're going to talk about Cornell Cooperative Extension past, present, and future. And we'll be developing a timeline and looking at agencies that have been around for 90 years and programs and partnerships that we've had over the time. So it should be a nice year.

In general, our budget is a cost to continue with a slight increase. And we did get a 3% increase in our salaries in the County budget portion which was very nice. And as BRO reflected is the same as the AME negotiations with the County. It has been our experience that we fall behind a lot of educational institutions out here in the County in terms of meeting salaries so that we can remain competitive. So we're appreciative of that.

We did make a request for a Human Resources and Operations staff person for our agency. We're an \$11 million operation. And we feel that we should have someone in the agency to help us with that to make sure that we are meeting the requirements of state and federal labor obligations,

making sure that we are meeting all of our insurance requests and needs and risk management. So this is someone •• position that would be very helpful to us. We did have someone in this position several years ago in the •• I think 2000 there was some budget cuts and we lost that position and it hasn't been restored. So that was a position we did request but was not funded unfortunately.

There are two other projects that we have that are funded through the Health Department and through the Probation Department. And the Diabetes Program for the Health Department, we did lose \$126,000. We're very concerned about that. We testified yesterday at the Health Department hearing. We hope very much that that can be restored so we can continue the services to that area of the County. Our Diabetes Prevention Education Program has been shown to be effective. It has reduced emergency room costs and it has been supported by the Health Department as well.

It was funding that had been originally secured by Assemblyman Sweeney. And this year the Health Department was able to •• and that funding ran out after three years. My understanding is the County was able to put that money in this year but it does need a resolution of the Legislature to continue that. So we're hopeful that that will continue for 2007.

CHAIRPERSON VILORIA•FISHER:

Tom, can you just go over that again?

MR. WILLIAMS:

Sure.

CHAIRPERSON VILORIA•FISHER:

I'm try to get a handle on it; Because I remember we've been putting money in the Diabetes Program for as long as I've been a Legislator.

MR. WILLIAMS:

Right.

CHAIRPERSON VILORIA•FISHER:

But you're saying that Assemblyman Sweeney had funded it.

MR. WILLIAMS:

He had fund ••

CHAIRPERSON VILORIA•FISHER:

Is that alongside •• along with the County?

MR. WILLIAMS:

Yes.

CHAIRPERSON VILORIA•FISHER:

And what were the proportions? And what portion of it has been cut? Could you just tell us in percentages how that developed?

MR. WILLIAMS:

Well, the percentages •• the County gives us about 270,000. And this was 100,000 that Assemblyman Sweeney had given us. So the Sweeney money was about a third. We had that funding from Sweeney from the state for three years. And in 2005 was the last year. For this year, the County Health Department was able to find that money and put it in the budget. It was County money.

CHAIRPERSON VILORIA•FISHER:

For 2006.

MR. WILLIAMS:

For 2006, right.

CHAIRPERSON VILORIA•FISHER:

So then the County went up to 370 and carried the full burden?

MR. WILLIAMS:

For this year, correct.

CHAIRPERSON VILORIA•FISHER:

For 2006.

MR. WILLIAMS:

Correct. So it's proposed for 2007 that that 100 was •• is cut from the budget •• proposed budget. And there was 26,000 that the Legislature put in that for cost of living increases this •• for 2006. That was also ••

CHAIRPERSON VILORIA•FISHER:

Okay. Have you reapplied to the state for a grant to bring back that \$100,000 So that the County wouldn't ••

MR. WILLIAMS:

We have. And Assemblyman Sweeney has said that he was only able to provide it for three years. He was looking for other funding for it. But at the moment he said there isn't anything there. If next year in the state budget there is some additional money, I know that he would want to get it. He's been a terrific supporter of our Diabetes Prevention Program. But unfortunately he said that was not available this year.

CHAIRPERSON VILORIA•FISHER:

Okay. So up until now through 2006 you've been able to continue to have the full funding?

MR. WILLIAMS:

Correct.

CHAIRPERSON VILORIA FISHER:

Okay.

MR. WILLIAMS:

Yes. The second piece was our program with the Probation Department, which is our Juvenile Day Reporting Center. And that project funded by the Probation Department gives us the opportunity to work with young folks who are •• they're really basically high school students who are referred to us by the Family Court. They are considered at risk. They are considered juveniles who if they were not in this program would be sent to a residential treatment center.

CHAIRPERSON VILORIA FISHER:

Are they P.I.N.S?

MR. WILLIAMS:

Some of them are P.I.N.S. Some of them are juvenile delinquents. There's a combination. But these are kids that have trouble in school. They're drop•outs. They have violated probation in some ways. They come to us. We teach them reading, writing, and arithmetic through

Environmental Stewardship Programs. We've been using Peconic Dunes as a base and Southampton Community College as a base.

And last year it was a zero base funding. The Omnibus Budget gave us 26,000, again, to give us a cost of living increase. And this year that was eliminated. So we're hopeful that •• that can get back. We did receive a 2% increase as the County Executive gave to most contract agencies. But that's still was only 10,000 instead of 26 that we got last year. So we're hopeful that that could be restored as well.

CHAIRPERSON VILORIA•FISHER:

So the Legislature had added ••

MR. WILLIAMS:

Correct.

CHAIRPERSON VILORIA•FISHER:

•• the difference last year?

MR. WILLIAMS:

Yes.

CHAIRPERSON VILORIA•FISHER:

Let me just ask you this about that program. Doesn't the school district have to provide an education for a youngster no matter what type of situation he's in? And why aren't the •• you know, why wouldn't that be covered through Boces or one of the other programs?

MR. WILLIAMS:

Well, we're pursuing that. We've had difficulty getting anything out of the school. The school districts have basically washed their hands of these kids. And they have •• because they are placed with us through the Family Court, they have not been providing us with support. But we are looking at ways in which we can get that. We've talked to Probation about it. I've met with some school district employees but at the moment we do not get any school support for that program. I think we should. These are kids, many of whom are certified as handicapped. I believe that there •• there is a funding, but we've found the schools have urged their •• the parents of these children to get them to drop out of school because they've had difficulty and as soon as they drop out ••

CHAIRPERSON VILORIA•FISHER:

So they're all over 16? They're all older than 16?

MR. WILLIAMS:

Not all of them. No, not at all. They're all eligible for special ed.

CHAIRPERSON VILORIA•FISHER:

Can I just ask the County Attorney's office? Somebody from the County Attorney's office? Nobody's here from the County Attorney's Office? Okay. Because it would seem to me that

legally that the school has to provide an education for its students.

MR. WILLIAMS:

Right.

CHAIRPERSON VILORIA•FISHER:

You know, if there are kids, I mean, as a teacher I know that when people were suspended from school, out for disciplinary reasons, out for health, the school is mandated to provide an education.

MR. WILLIAMS:

Right. Well, we believe that. And I •• but I've worked with Probation ••

LEG. NOWICK:

At what age?

CHAIRPERSON VILORIA•FISHER:

Well, 16 if the person has dropped out, they don't have to; but to 18 if the person is still a student.

MR. WILLIAMS:

Right.

CHAIRPERSON VILORIA•FISHER:

I don't know if it's 18 or 21, but if the person is still legally a student, that person has to be provided instruction by the school district.

MR. WILLIAMS:

Right.

CHAIRPERSON VILORIA•FISHER:

So I really think we should •• we need to have the County Attorney's Office follow up on that.

MR. WILLIAMS:

Well, that would be great. We can use the assistance. I believe those •• that school districts are accountable for this. One of our problems is the •• sometimes the kids come in and out. But it is something that we would like to pursue. And if the County Attorney could help us with that, that would be great. We have been •• I'm working with Probation. I have been meeting with school districts. As I said, they've really wanted to wash their hands of these kids who are very difficult for them to deal with. But •• so we ask for your help in the meantime.

CHAIRPERSON VILORIA•FISHER:

Okay.

MR. WILLIAMS:

Okay.

CHAIRPERSON VILORIA•FISHER:

Is that it, Tom?

MR. WILLIAMS:

Yeah, unless you had any questions. You know, we are grateful for all the support of both the Legislature and the County Executive for Cornell. And as I said it is our 90th year of operation. And we're having our annual meeting next Wednesday, the 1st of November. And you and everyone are invited. And it should be a fun program.

CHAIRPERSON VILORIA•FISHER:

Thank you.

MR. WILLIAMS:

Yeah.

CHAIRPERSON VILORIA•FISHER:

Thank you for the invitation.

MR. WILLIAMS:

Sure.

LEG. ROMAINE:

Questions?

CHAIRPERSON VILORIA•FISHER:

Oh, I'm sorry, I didn't see any hands raised. Legislator Romaine has a question. What would the meeting be without your questions? You always have good questions.

LEG. ROMAINE:

I try to. And usually the Chairman usually asks other members if they have questions.

LEG. ROMAINE:

Mr. Williams ••

CHAIRPERSON VILORIA•FISHER:

I thought I did.

LEG. ROMAINE:

•• this Diabetes Program, what is needed? How much of this program can you conduct currently for next year with the proposal that's before us now? Can you do any of the program? Can you do some of it? None of it? Most of it?

MR. WILLIAMS:

We can certainly do some of it. The County share of the 264,000 is in place. And we will certainly be continuing to use that. As I said, this is a very cooperative venture with the Health Department. And we work in the health clinics in Amityville, Wyandanch and that area. That's the area that's affected by this money.

LEG. ROMAINE:

Right. Because minority populations have shown a greater tendency towards diabetes than other general populations have.

MR. WILLIAMS:

Correct. Yes.

LEG. ROMAINE:

Let me ask you about Peconic Dunes Camp.

MR. WILLIAMS:

Sure.

LEG. ROMAINE:

How is that situated in the budget to provide services? Because that's a camp that provides services to children throughout Suffolk County and all 18 Legislative districts.

MR. WILLIAMS:

Yes. We have a •• I guess it's called a lease agreement with the Parks Department. And we run a •• an overnight program there. And we also manage the facility for the County. And we raise most of the money that we use to manage it through fees. We did •• we have been asked to provide educational programming for the Parks Department throughout the County. And we had a small grant last year, which was very helpful in helping to meet that need and that was also eliminated from the budget.

LEG. ROMAINE:

But the Peconic Dunes is a •• is owned by the County. I assume its structures are owned, built and owned by the County?

MR. WILLIAMS:

Yes.

LEG. ROMAINE:

Could you tell me the condition of the kitchen and dining facilities at Peconic Dunes Camp?

MR. WILLIAMS:

I can. The facility is pretty run down. The County did provide some capital money for some improvements. We've been able to put in a fire suppression unit there and an exhaust system. But it is a facility that is on its last legs. And we are hopeful that through probably a capital budget issue that that building could be •• I don't think it could be renovated. I think it has to be torn down. And we need a new building. We've been making efforts in funding. We've applied to the federal government and state government for that. It is a capital budget item that I hope can be put in.

LEG. ROMAINE:

And the County would own •• whatever buildings are built on this County property, the County would have ownership of?

MR. WILLIAMS:

Yes. Absolutely.

LEG. ROMAINE:

And if I walked into the dining hall, I can see right down through the floor to the ground.

MR. WILLIAMS:

You can. And if the wind is blowing, you can •• you could rock gently with the breeze.

LEG. ROMAINE:

Thank you very much, Mr. Williams.

MR. WILLIAMS:

Thank you.

LEG. D'AMARO:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Legislator D'Amaro. Hi, Tom. How are you?

MR. WILLIAMS:

Good. Thank you.

LEG. KENNEDY:

Good. I'm going ask you if you would just to talk a little bit about the Water Quality Protection Programs and the 477 funding, I guess, that Cornell Cooperative Extension •• just the range of the

programs, what, in fact, it is that's being done at this point.

And I note that there are some comments that BRO had about some contract questions, I guess, between the agency, extensions or something to that effect. Talk to us a little bit about this. Because there's an intense amount of interest with 477. We have people that are being funded out of it. We're trying to fund projects. It seems like it is, you know, certainly the fund of interest on everybody's tip of their tongue at this point. So tell me a little bit about what you folks are doing.

MR. WILLIAMS:

Okay. We have •• I think we have five programs. One of them is the Bay Scallop Program where we are working to restore the bay scallops in Peconic Bay. That was a program that was funded over a period of, I think, five years. And we're in year three of it. We are providing •• we are also doing some research on the effort to make sure that what we do is well researched and we know that when we do something we can either replicate it; or if it's not working, why it's not working. So that's one of our projects.

We are also providing the •• through the Department of Public Works •• and this budget proposes that that be switched I think, to the new Department of Energy and Environment. We are doing the DEC Phase II Storm Water Program for the County. We're providing education. And we are looking for illicit out charges, discharges from storm water systems. And we've been working very closely with the County for that.

We have a program that is a •• it's the Pesticide Reduction Program for the County. A number of years ago when the County passed a law to reduce pesticides and herbicides on County properties, we were asked to provide information, research and training and education to County employees and County facilities. So ••

LEG. KENNEDY:

Is that what we call it the IPM Program? Integrated Pest Management?

MR. WILLIAMS:

Correct. Yes, IPM.

LEG. KENNEDY:

And so •• okay, I'm sorry to interrupt.

MR. WILLIAMS:

No. That's okay, go ahead.

LEG. KENNEDY:

Well, so in other words, at this point what you do is implementing that, you work with our County personnel as far as alternatives to herbicides and other types of things? You're talking about natural pest management; Is that it?

MR. WILLIAMS:

Yes. Yeah, that's what we do.

LEG. KENNEDY:

Okay. All right.

MR. WILLIAMS:

Okay. We also have as •• really part of that is an alternative management strategies of insects. We have an entomologist, Dan {Gilrane}, who works very closely on alternative strategies to reduce pesticides with. The agriculture community and the horticulture community and the flora culture community.

An example recently, {himinoculprine} is a very effective pesticide that's been used. And the farmers and the greenhouse growers want to be able to use it, but we're also making sure that they use it correctly and in amounts that are not excessive so that it won't end up in the groundwater.

And then the third one we have in the Ag Department is the Agricultural Stewardship Program, which was an initiative of the Legislature to reduce nitrogen inputs. And we've been working with farmers and growers throughout the island to implement that program. So those are the five that we have.

LEG. KENNEDY:

That would be the range of five. As to the funding, it looks like there's \$989,710 in 477 money. And I'll defer to BRO. Is that correct?

MS. VIZZINI:

Yes. That's correct.

LEG. KENNEDY:

Okay. Do you have idea how those funds are spread amongst the five programs you just articulated? Like how much money do we put in scallops? And do we have any scallops yet?

MR. WILLIAMS:

Well, we had a better •• we had a better harvest this year than we'd had before. We're looking for a better one next year.

LEG. KENNEDY:

Well, I like scallops. That's good to hear.

MR. WILLIAMS:

Excellent. We •• I keep imagining that we can have a beautiful feast for the Legislature of a scallop meal. In any case, yeah, we think that it ••

LEG. KENNEDY:

Keep them under lock and key because they're popular, you know.

MR. WILLIAMS:

That's very true.

LEG KENNEDY:

Okay.

MR. WILLIAMS:

Right. The scallop program was a closed end grant of a million bucks over a certain amount of years. And as I say, we're in year three.

LEG. KENNEDY:

Five years?

MR. WILLIAMS:

Yes.

LEG. KENNEDY:

Okay. So we have 200,000 per year towards the program? Is that correct?

MR. WILLIAMS:

More or less. It •• we had a lot of •• we expended a lot of money in the beginning because we had to buy a lot of equipment for it.

LEG. KENNEDY:

Nets, right?

MR. WILLIAMS:

Nets. We had to buy nets.

LEG. KENNEDY:

Yeah. I recall.

MR. WILLIAMS:

And we have •• we still have an outstanding 50% of that bill to pay. And the •• BRO recommends that that not be included in the budget, but that be a special legislative resolution to bring that money forward so we can pay off our net debt.

LEG. KENNEDY:

I see. Okay. I'll defer to them on that. So •• but in other words, it's •• is it a safe assumption at

this point to say then that amongst these five programs you can break out that gross amount of 989,710? Again, the reason I ask is because as I said, there's such intense interest in this 477 fund ••

MR. WILLIAMS:

Yes.

LEG. KENNEDY:

•• for variety of different things.

MR. WILLIAMS:

Right.

LEG. KENNEDY:

We've even talked a little bit about it. I have a Storm Water Remediation Program that we partner with the County for up in my district. We have personnel that are out of it. We're looking to do everything out of this fund. So clearly I guess, you know, the ability to go ahead and attribute it across the different programs is important.

MR. WILLIAMS:

It's all broken out. There's a pseudo code for each project. Each project has a budget so it's very carefully ••

LEG. KENNEDY:

Okay.

MR. WILLIAMS:

•• annotated. Yeah.

LEG. KENNEDY:

You won't mind if I ask Gail to go ahead and chime in, would you?

MR. WILLIAMS:

Of course not.

LEG. KENNEDY:

Good.

MS. VIZZINI:

Mr. Williams is absolutely correct in terms of Cornells' programs. On page 192 of the Budget Review Office report, it details the \$5.7 million in Cornells' various contracts. And more specifically, to your question, Legislator Kennedy, it breaks out as does the budget for the first

time this year, the 477 programs that Cornell has. The alternative management strategies is 142.5, etcetera, etcetera. They're at the bottom of the chart.

LEG. KENNEDY:

Now Gail, the other thing I guess that I'll ask then is, are you •• Mr. Williams' reference to five year program associated with the Scallop Project, do we have multiple year commitments in those other four categories as well?

MS. VIZZINI:

Well, as you know, ours is not a multiple year Operating Budget at this point. So ••

LEG. KENNEDY:

What I understand, you know, we have an annual Operating Budget. But it sounds as if what we've done is we've engaged in multi•year commitments for some of these initiatives.

MR. WILLIAMS:

The two initiatives. The Storm Water and Bay Scallop. And that was a resolution of the Legislature to do that.

LEG. KENNEDY:

Okay.

CHAIRPERSON VILORIA•FISHER:

Would you yield?

LEG. KENNEDY:

Of course.

CHAIRPERSON VILORIA•FISHER:

I would like to go further with a question, which is that often we're looking at expenditures that seem to be •• have become permanent expenditures of 477 monies. And I don't want to put words in your mouth, but if we have a commitment that has a terminal point, is that where you were going with this, Legislator Kennedy?

LEG. KENNEDY:

Yes. Yes. As a matter of fact ••

CHAIRPERSON VILORIA•FISHER:

Then it won't be the burden against the 477 account as a permanent net deduction of what we have in the 477 account Because that's something that's been a very vital concern to the Legislature; that our revenues are not really •• although we receive revenues every year, they're not growing as quickly as the expenditures, especially if they're permanent expenditures.

So we have some programs that have a terminal point or, you know, an end point. Then those should be considered when we're looking at the overall picture of the 477 account. John, is that where you were going with that?

LEG. KENNEDY:

In essence, yes. As a matter of fact, as I said, my concern becomes what are we •• what was the original intent of the sponsors with 477? What do we seek to achieve? What have we done through some creativity in order to address some other types of difficulties we've experienced ••

CHAIRPERSON VILORIA•FISHER:

And are we running out of money?

LEG. KENNEDY:

•• but at the end of day are we in essence, requited so that we're never going to be able to get to do what ultimately it was created to do in the first instance. And that's •• you pretty much summed it up, Madam Chairwoman. Thanks. All right, that's the only questions I had. Thank you, Tom.

CHAIRPERSON VILORIA•FISHER:

Are there any other questions? Okay. Thank you very much, Mr. Williams.

MR. WILLIAMS:

Thank you.

CHAIRPERSON VILORIA•FISHER:

Our next and last speaker as far as I know is Mr. Paul Matthews. And you have been before this committee before? And a ••

MR. MATTHEWS:

Yes, hello. I was here on the 12th and some good things have happened. Anyway, during this hectic work week we hope you can take the time to support the best bargain in the Operating Budget.

We are asking for support for the research and development required to prove my test theory that •
• and this is about the Veliger release •• this clam early release, which is swarms of hard clams and scallop larvae can be kept protected and nourished in tanks on board a mobile marine hatchery vessel for the first weeks of their lives. Then released strategically en masse into the local bay environments to successfully reestablish shell fish populations.

The mobile marine hatchery is key in this strategy. You could see the picture. And will reduce the cost of shellfish restorations well into the future because for one thing, land based hatcheries are located on very expensive real estate.

And two, the mobile hatchery can move near sites placing billions of shell fish where desired. It's as far as I can tell, the cost of other restoration strategies, the cost for each animal is greater than the retail price of the animal. So we're looking to improve that and do an up scale release of the shellfish at an early time.

This is my sixth year of trying to sell this concept; our third year here at the Legislature. And since the meeting here before this committee on October 12th, there has been some positive developments, good news. Legislator Kate Browning, thank you very much, will be asking for \$20,000, which Cornell has requested to accomplish the proofs of concepts being done this spring at Cedar Beach, in Southold town, to finally prove this theory, which I've been promulgating for over five years. It's about time and I hope you will help fund it.

Also an omnibus request will be made from Legislator Ed Romaine's district for a small sum of money to keep the mobile hatchery standing by for another year. Whilst everyone catches up on the eureka moment, which I obviously has some time ago, and had since nearly ruined me. I ask for cosponsorship on that so that LIFE, Long Islanders for Environment NYS 501 C 3, can use that money for ongoing expenses. And frankly, so that the vessel and myself can have a reasonable expectation of being here to begin the rather heroic task of saving our marine environments from the bottom up in 2008. That's eight years after the conception of this thing. Longtime.

Our previous proposal for shellfish restoration, the Great South Bay, which I felt was well received on October 22, 2004 led to the appropriation of \$1 million of 477 money, Brian Foley, bill number 1027•2004, which was absorbed by the Nature Conservancy for its elementary idea of putting the older clams bought retail again from Connecticut into areas of the Great South Bay.

Meanwhile our plea for funding for this new technology was ignored, despite my appearance here last January, reiterating a request for funds for Cornell's proof of concept. To my knowledge, no proof of concept was demanded for the Nature Conservancy's concept. And no RFP's were

forthcoming. And that's just not fair in my estimation.

And it basically resulted in a loss of two years on our part. Two years little clams could have been growing, but instead those potential benefits to the County were lost. Having aired that grievance, I am looking forward to the cooperative spirit and for the general good.

Therefore, I would ask if there indeed remains 150,000 in that fund that was appropriated on 10/27, and if we LIFE could apply for it after an RFP in keeping with the original plan was conceived or in the •• in the alternative, I strongly suggest appropriations similar to 10/27/2004.

CHAIRPERSON VILORIA•FISHER:

Do you know anything about the results of the project that was funded by 10/27?

MR. MATTHEWS:

That the •• you know, I'm not an expert. But ••

CHAIRPERSON VILORIA•FISHER:

I know that you're coming from not a totally objective point of view but just ••

MR. MATTHEWS:

It hasn't been made that public. But the money, I think, went to the Nature Conservancy because they matched funds and they've spent that money and are spending it to bring clams from Connecticut and place them in the Great South Bay.

CHAIRPERSON VILORIA•FISHER:

But you don't know what the result is there? I mean in the clam population, you have ••

MR. MATTHEWS:

I can't really speak to that. I think there was some attrition in the first year of that population. I heard 20%. Again, I really am speaking out of school on this.

CHAIRPERSON VILORIA•FISHER:

Okay. All right.

MR. MATTHEWS:

I'm not expert.

CHAIRPERSON VILORIA•FISHER:

Okay. I don't want to put you on the spot.

MR. MATTHEWS:

But ••

CHAIRPERSON VILORIA•FISHER:

Are there any other questions? Legislator Romaine.

LEG. ROMAINE:

Yes. Just a few questions. I'm happy to see that Legislator Browning is requesting \$20,000 for Cornell.

MR. MATTHEWS:

Thank you.

LEG. ROMAINE:

This would be a unique concept because of the larvae. Larvae? Am I saying it correctly, the plural?

MR. MATTHEWS:

I suppose it is one of those Latin words that can go either way.

LEG. ROMAINE:

Right. Apparently one out of a million has chance of survival left in the open wild of the waters. But with the hatchery thing, if you grow them for two weeks, the survival rate becomes much better. What is the survival rate by growing them?

MR. MATTHEWS:

I would say that in conical, a hundred gallon containers that they use in the hatcheries that are land based at Cornell ••

LEG. ROMAINE:

Right.

MR. MATTHEWS:

•• and what not, Islip, that the •• it's very high. Very high survival rate. I mean, occasionally they lose a whole batch.

LEG. ROMAINE:

Right.

MR. MATTHEWS:

But if a batch is good, the survival rate is, I think it's over 90.

LEG. ROMAINE:

And what do you project would be the survival rate with the project that you're preparing to

undertake?

MR. MATTHEWS:

Well, in the tanks on the vessel, the survival rate should be the same as it is in a hatchery. And the real key is here is that if I could say so, is that if you had two clams •• a boy and a girl clam in a tank at the right time of year and everything, the right conditions, they can have ten million offspring. Now in the environment, those ten million offspring die, die, die. And it's very even difficult to get any sort of set going in our current situation because there's not enough adults, I guess, where they usually work. But after 12 days in that tank, you're still going to have 10 million or 9 million clams; Veliger clams at that point.

LEG. ROMAINE:

Right.

MR. MATTHEWS:

And then they put out a {bissel plan of grape} thread, which is very sticky like Spiderman and that's when they set in the environment in a grain of sand. They attach. And they can stay in the tide and what not. So we're •• that's a way to beat the odds. You see what I'm saying? So ••

LEG. ROMAINE:

Why is your project preferable to on land hatcheries? Is there a difference?

MR. MATTHEWS:

The •• we're putting the clam Veligers back in the water. So being on the water is convenient. That's one thing. And as I said, as waterfront real estate goes through the roof, it's a way to establish new hatcheries without having to buy more real estate on the water, which is very prohibitive.

LEG. ROMAINE:

Well, as I •• and by saying, as I have said I would sponsor a small request to keep your mobile hatchery standing for another year. And I would hope that Mrs. Vivian Vilorio•Fisher, Legislator who's Chairman of the Committee and in the majority would be the sponsor so I can be the cosponsor since I'm in the minority. But that would be up to her. And that's something that you can discuss and I'm sure you have discussed with Legislator Fisher's staff.

MR. MATTHEWS:

Yes.

LEG. ROMAINE:

Thank you.

CHAIRPERSON VILORIA•FISHER:

Thank you, sir.

MR. MATTHEWS:

Thank you very much.

CHAIRPERSON VILORIA•FISHER:

Is there anyone else here who would like to address the committee? It's not on. Is there anyone else here who would like to address the committee? Are there any members of the committee who would like to add anything? Okay.

LEG. ROMAINE:

I think we'd like the Environment people to come up as they did with Parks.

CHAIRPERSON VILORIA•FISHER:

Well, I've asked them if they wanted to come up. The invitation was there. And ••

LEG. ROMAINE:

Okay. We have questions for them.

CHAIRPERSON VILORIA•FISHER:

Okay. That was my request. Are there •• is there any member of the committee who has questions from the department?

LEG. ROMAINE:

I do.

CHAIRPERSON VILORIA•FISHER:

There is a member of the committee who has questions from the department. Can ••
Environment. Mr. Deering?

MR. DEERING:

Good afternoon.

CHAIRPERSON VILORIA•FISHER:

Good afternoon. I wasn't sure who to invite for a minute. I wasn't sure who to invite for a
minute.

COMMISSIONER DEERING:

Thank you for inviting me.

CHAIRPERSON VILORIA•FISHER:

Is your mike on, Mike? On the top, Mike. There you go.

COMMISSIONER DEERING:

Can you hear that?

CHAIRPERSON VILORIA•FISHER:

Yes.

COMMISSIONER DEERING:

Well, thank you. And I'll defer to questions from the Chair.

CHAIRPERSON VILORIA•FISHER:

I believe Legislator Romaine as question.

LEG. ROMAINE:

Yes. Thank you, Madam Chair lady. First of all my congratulations and good luck in your new position. I hope to work with you in a much for collaborative and positive way. And I'm sure that the L.I.A. is getting just a quality guy that will bring a great deal to that organization.

Unfortunately, I have to ask just a few questions. I noticed in the budget that the County Executive provided me that revenues generated from the sale of tax acquired properties were figured in the budget for about \$5.5 million in 2007. Is it too premature to include these revenues until the Toussie litigation and appeals are closer to a settlement? I mean, putting this money in at this time, it seems as if you're puffing up the budget. And not you, but the Executive, whoever constructed it, puffed up the budget with additional revenue that seems overly optimistic in light of the fact that litigation is still pending. Maybe your side of the isle knows something our side of the isle doesn't. So I pose that question to you.

COMMISSIONER DEERING:

I think the litigation has been out there for quite a while. And these are conservative estimates of revenues that can be generated. There have been discussions between the County Attorney's Office and the courts in terms of moving that litigation forward. The Division of Real Estate is prepared to very quickly move on an auction when that is •• when that legal case is settled. And I think that's, you know, what's reflected in the budget can be done quickly and we could anticipate that happening in 2007.

LEG. ROMAINE:

Without doing point to counterpoint, I would simply ask Budget Review to comment on that because I noticed that that was one question that you did raise about the five and a half million dollars and about actually 685,000 in this year's budget. So if you could comment on that I would appreciate it. I'd have a better understanding of it.

MR. DUFFY:

Okay. We don't have crystal ball ••

LEG. ROMAINE:

Right.

MR. DUFFY:

•• but in our view it did not seem probable; that it was more likely that the litigation would be over than it would continue •• continue on.

LEG. ROMAINE:

So by putting this in •• this revenue in, if this revenue is unanticipated, it would mean that our budget would have a shortfall in 2007 of five and a half million dollars that we'd have to figure out how we'd have to deal with?

MR. DUFFY:

If the revenue •• if the auction •• we were not certain as to which parcels were being discussed. The 2004 auction has a number of lis pendenses that have been filed against it, which I believe are •• total somewhere like \$8.5 million. Are they projecting that if the litigation has reached its conclusion, the appeals process has been exhausted, the lis pendens are off? Are these going to be the parcels that are going to close? That we were not sure of.

We also in our report asked a question about an equity issue. Under local law, I guess it's 23 of 1999, that if the Division of Real Estate has had a parcel at auction that hasn't closed within two years, they're to come back to the Legislature and to seek an extension as to whether or not that parcel, we should continue attempting to close it.

LEG. ROMAINE:

Has the Real Estate Department, in fact, done any of that?

MR. DUFFY:

It has •• we're not at that point yet. The point, I believe, would be ••

LEG. ROMAINE:

Okay.

MR. DUFFY:

•• in December of 2006.

LEG. ROMAINE:

So ••

MR. DUFFY:

•• it would be two years from the ••

LEG. ROMAINE:

•• two months from now the point will be there and I'm sure Real Estate will comply and come back, if that's the appropriate action.

MR. DUFFY:

That's what our concerns were. And our opinion and with the information that we had available is that we would rather be conservative and see that the process is going along and appeals are exhausted.

LEG. ROMAINE:

You obviously raise a number of points. I see your representative is here from the County Executive and rather than draw on and put him on the spot, what I would ask, Mr. Zwirn, is if some of the concerns that Kevin has raised if the Executive could respond to us or someone from the Executive Branch could respond to us before we cast a vote on this budget as to those concerns; because obviously to include revenues that may or may not occur, particularly in terms of five and a half million dollars raises some questions there. And if you could just put in writing, and fortunately we do have a written transcript that I am making this request of the Executive Branch, just so we should know, that I would like to know some of the concerns that have been expressed by Budget Review. And if you could address them, I would appreciate that. My next question ••

MR. ZWIRN:

Wait a minute. I can answer, I think, that question. So you don't even have to put it in writing or request •• •

LEG. ROMAINE:

Okay.

MR. ZWIRN:

•• invoke the Davis Rule or the Richards Rule, whatever rule ••

CHAIRPERSON VILORIA•FISHER:

Just give us the answer, Ben.

MR. ZWIRN:

The answer is the County Executive looked at this potential revenue source. And his best estimate is that we will win the lawsuits. Very confident of that. And to leave the revenues out and then all of a sudden when the lawsuits are won and when the County realizes this kind of revenue, you know, some Legislators are up there criticizing the County Executive from hiding this revenue, keeping it off budget as a windfall. This is his best estimate of this •• of real revenue coming in. If you look at his revenue estimates with sales tax, this is a very conservative budget.

He's not optimistic about the economy. But he is confident based on his conversations with the Law Department, that they are going to be successful. And this is a conservative number for next year. It's a real number.

LEG. ROMAINE:

Would it be fair to ask the Executive by October 1st of 2007 to give us a heads up if this settlement is not at hand at that point?

MR. ZWIRN:

At what time?

LEG. ROMAINE:

October 1st, 2007.

MR. ZWIRN:

Sure.

LEG. ROMAINE:

Okay.

MR. ZWIRN:

You may have to remind us, but sure.

LEG. ROMAINE:

I'm sure I will. And, you know, by not including it, all you would do if you got the revenues in, is you could give •• give more gas cards out to people or you could ••

MR. ZWIRN:

That's possible.

LEG. ROMAINE:

•• reduce the fund balance. Oh, increase the fund balance, excuse me.

MR. ZWIRN:

Or we could fill more positions I suppose.

LEG. ROMAINE:

Right. My next question goes to the revenue from the sales of the tax liens. Apparently you've included tax liens, revenue from the sale of tax liens of \$3.5 million in 2007. And yet, based on sale of Brownfield properties and yet that, you know, that leads itself to ask are those sales actually going to happen? Is there a Brownfield policy in place? Is that resolution adopted? Has it been executed? Are we going to sell these properties? Are we going to realize \$3.5 million from the sale of Brownfields that we're going to ask other people to clean up? And then what expense are we going to incur thereafter in ensuring that the private vendors that buy these tax lien properties clean them up?

COMMISSIONER DEERING:

Well, the resolution is before the Legislature now that would authorize the sale of tax liens. We anticipate based on conversations with a number of Legislators that that will be taken up and approved. The parcels have been identified; that they could be subject to sale.

We have been meeting with the Health Department and the County Treasurer to begin to develop the process for sale including the due diligence that would be required as we will not be taking title to the property but will be putting that burden on the private sector as part of the sale. It is a

process that is being successfully used in many areas of the country right now.

And the numbers, again, that are contained within the County Executive's budget are extremely conservative. And are covering only the costs of an interest in penalties. And does not anticipating increased revenues as a result of the auction process.

LEG. ROMAINE:

And have we put any money aside to •• if we do sell these properties, and if there are buyers? Part of the premise is, which was some of the weakness of the resolution because it doesn't address it, is that the County would assume •• we would assume that we're selling this not to just sell it and make money, but we're selling it because the person purchasing it would clean it up. Do we have any money appropriated to follow up and ensure that these private vendors who buy public property will clean up these contaminated properties?

COMMISSIONER DEERING:

Well, there is a contract that is being reviewed now with •• through the Health Department dealing with Brownfields and the consultant to actually do some of that work and ensure that the properties are of a state that can be sold and processed.

LEG. ROMAINE:

And reclaimed. Right.

COMMISSIONER DEERING:

As part of our sale process we would follow a format that was similar to an auction that we are holding now Dealing with the {Circuitron} property. That is a remediated Superfund property that we have a consent judgement negotiated with the EPA and the New York State Attorney General's Office where we are conducting pre•meetings and qualifying, prequalifying companies that have experience in the ability to do that. This is a specialized type of an auction. It's a specialized type of development. And we would proceed to ensure that that process continue.

LEG. ROMAINE:

Let me jump to another subject, if I may. I see that you are recommending as you have in previous years a Farmland Administrator position, which has remained vacant and not filled and unfilled despite •• do you have many people interested in the advertised salary of \$60,000? It's approximately \$60,000 we're putting in for salary.

COMMISSIONER DEERING:

There have been inquiries about the position and we have interviewed a number of folks for the position.

LEG. ROMAINE:

Have anyone that you've interviewed rejected the job because of the salary?

COMMISSIONER DEERING:

The job has not been offered as of yet.

LEG. ROMAINE:

Okay.

COMMISSIONER DEERING:

We've interviewed.

LEG. ROMAINE:

Okay. Let me talk a little bit about the 477 funds.

MR. ZWIRN:

I just have a question. Do you think the salary is too high or too low?

COMMISSIONER DEERING:

I don't know.

LEG. ROMAINE:

I don't know the scope of the job. I haven't seen the job description so it would be hard to make that evaluation without that.

Let me ask about the 477 funds. I know some of my fellow colleagues in discussing these funds are concerned that this has become kind of a place where we find jobs for people as opposed to clean up the waters. That right now there's 69 positions funded out of 477. And there's not enough brick and mortar, which was a policy that was established by this Legislature. I believe Legislator Alden instituted a policy for brick and mortar construction for storm water remediation in similar such projects. Can you comment on what you would project in 2007?

COMMISSIONER DEERING:

Project in terms of? Comparison between positions versus ••

LEG. ROMAINE:

Positions that are going to be funded out 477 versus brick and mortar projects that would be undertaken.

COMMISSIONER DEERING:

I think there •• if you look at the history of the program, the significant •• the bulk of the monies from the program have gone for brick and mortar types of projects whether they're storm water remediation projects, whether they're shellfish restoration, whether they are creek projects or flood remediation projects.

The initial resolution that created the Water Quality Protection Program envisioned that staff dedicated to water quality improvements could be, in fact, funded out of this fund. It is a policy matter as to whether that is done and to what extent it is done. But there is a history of providing some salaries. The programs and projects that have been undertaken over the last number of years have been projects that have added value to water quality improvement, significant projects. And we would continue •• we would •• I would anticipate that the County Executive and Legislature would continue to move forward in that vain using the bulk of the money for real projects •• construction Capital Projects.

LEG. ROMAINE:

Thank you. One last very quick question. Some months ago you provided us with a spreadsheet that indicated that we would have a \$39.3 million deficit if we just purchased those things that we were in negotiation. Forget about the pipeline. Forget about all the planning steps resolutions that we have passed. Forget about all that. But just what you are in negotiations with; if they closed, that we would have a \$39.3 million deficit.

Do you believe that there is reasonably enough between the operating, capital, 477 on hand today to accomplish even a fraction of the planning step resolutions, acquisition of those parcels for which planning step resolutions have been put forward?

COMMISSIONER DEERING:

Well, I think the funding levels that are there now •• we are •• the Division of Real Estate is moving forward aggressively as they have been to acquire properties. The County Executive has stated on any number of occasions that we will not lose a property for lack of money. We •• the assumptions in that chart is that everything will be approved and everything will be agreed upon.

LEG. ROMAINE:

Right. It's assumption. Right. I understand.

COMMISSIONER DEERING:

But the funding that we have now with Division of Real Estate can continue to move aggressively forward on the planning steps resolutions as they have been over the last few years. The County Executive and the Legislature when the time comes, if additional money is needed, hopefully we'll work together and we'll add the monies that will be necessary.

LEG. ROMAINE:

You're not holding up any properties from closing that ••

COMMISSIONER DEERING:

No.

LEG. ROMAINE:

•• you've agreed on? Because I've heard people say that to me, particularly concerning the second Legislative District; that there are land owners that apparently have felt that they concluded a deal but the closing is being delayed.

COMMISSIONER DEERING:

No.

LEG. ROMAINE:

There's no truth to those rumors?

COMMISSIONER DEERING:

No. And, you know, what I've seen over the course of time is contracts go back and forth. They get held up in various places not always and more frequently than not, not in the County's jurisdiction. And often what will happen is the principal or the seller will have been told by someone that the County is holding up a sale when in fact it may not be entirely true.

LEG. ROMAINE:

Okay. I appreciate. And again good luck and the best of everything to you in your new position, which I assume you'll take over shortly.

COMMISSIONER DEERING:

I will be there at ten to nine tomorrow morning. And I do want to say thank you to all of you. It's been enjoyable working with you and we'll move forward.

CHAIRPERSON VILORIA•FISHER:

We have more questions. No rest for the weary. Legislator Kennedy.

LEG. KENNEDY:

Thank you Madam Chair. Mr. Romaine covered most of the areas that I was going to go into. I had concerns as well about the booking or characterization of this revenue, particularly as it goes to some of the Toussie litigation. And while I respect the County Executive's assessment, Ben, I guess what I would ask is, if in some fashion, either he and/or Ms. Malafi can give us some reason to go ahead and believe that this is going to come to conclusion.

I asked her for an assessment of the Toussie litigation a month ago or two months ago and received I guess back, I believe, as did most of the folks around the horseshoe here a memo that outlined I believe six different actions that Toussie has commenced in a variety of different forms and venues associated with not only this auction, but some that preceded it and some other items as well. So to me I would say that this individual appears to be intent on litigating against this County until time and memorial.

And so while the Executive may have a very optimistic outcome or expectation concerning settlement, I also believe that, you know, the opponent is going to go ahead and file suit ad infinitum. So I don't know that, you know, this is something that we're going to realize. Yeah, sure.

MR. ZWIRN:

If I might, I think if the County •• I think these numbers are the best estimate the County Executive has coming forward. I think if he were interested in trying to, you know, feather revenues he would do it in sales tax. And that's where the County Executive would always look. If you increase sales tax revenue because that's a number that you can't •• you can't absolutely pinpoint. I mean we were too optimistic coming into this year, too conservative the year before. But I think if you looked at sales tax numbers for your •• which is your largest revenue source coming in, I think that's where you could •• I think that's where he might say there's feathering going on there.

But in this •• I think this is a real revenue. And as I stated to Legislator Romaine I think he would be afraid that if he didn't put a number that he thought was realistic in there and if this revenue came in in the early part of 2007, you know, there would be criticism saying well, you knew this was going to happen and you didn't put it in. So I think he's trying to balance that. But if you're more conservative and feel this revenue •• you'd rather just be more conservative and take it out, then you have to find a way to offset 3,000 •• \$3 million or \$5 million in expenses.

LEG. KENNEDY:

And, again, I mean it's the essence and the heart of what we've been doing for two days now; trying to get at what's real and what isn't.

And ••

MR. ZWIRN:

It's all real.

LEG. KENNEDY:

•• the other thing that, you know, you'll agree is is there's an old saying they say reasonable men may differ. While it may be his best estimate that this, in fact, is going to turn out to be hard coin by December 31st of '07, I wonder whether or not we'll have settlement and sale and closing and revenue on 5.5 million with all the LP's that are out there. So that's my concern. And I guess I'm asking if somebody can give us or me something a little more substantive than just a best estimate.

The other thing, I guess, that I'll ask is while in this area is and BRO did bring it up, and it may be a question, I guess, for well, both for you, Mike, and for you Pat. There were bids made,

successful bidders and presumably we have execution on a contract and we have a down payment tendered. And that was based on an appraised value, I guess, that put these properties out there back in '04.

MS. ZIELENSKI:

Yes.

LEG. KENNEDY:

Being conservative, Real Estate has probably appreciated in value at least an additional 20 to 25%. My question is, do we have the ability to go ahead and to withdraw from those contracts or are we bound? An ordinary real estate contract says absent ability to go ahead and convey you're pretty much on the hook. But I know there's times when we preserve the right to unilaterally terminate without cause. Could we do it?

MS. ZIELENSKI:

I'm sure there's a way we could do it. But we entered into those contracts in good faith. We sold the properties at auction in good faith. And with the hope that all that needs to be done is rather than the settlement of the entirety here, all the court has to do is lift the lis pendens to allow us to close the \$8 million that's outstanding.

LEG. KENNEDY:

Well, we entered contract in good faith. You know, if you seek clean hands you have to come with clean hands. He sued us. There's no good faith on the other side. He ••

MS. ZIELENSKI:

Oh, I don't mean from him. I mean from the people whose contracts we hold. All of the people who came to our auction and bought the •• and put down money on the \$8 million that's outstanding we dealt with in good faith. We have over the course of the last two years rescinded down payments to anyone who requested it.

LEG. KENNEDY:

Has there been people who have looked to get out?

MS. ZIELENSKI:

Yes. We've already lost about \$5 million. That auction •• the revenue anticipated from that auction exceeded 13 million. We now have 8 million outstanding in contracts that remain.

LEG. KENNEDY:

Okay. In any event, I guess, we'll get some kind of an update, I guess, from the Exec's Office as to the likelihood. And then we'll see in another month or two, I guess, where we're at as far as those things go.

I was going to comment on the Brownfields as well but I, you know, Ed has brought up those issues that I had concerns about. And I guess, I'll also reiterate about the 477 stuff as well. You and I know well, I guess, you know, where things are at and while again, I sincerely appreciate the Exec's Office partnering with the town in order to do this, we'll need many, many more thousands of dollars to ultimately, you know, finish the project. And so that would be another place that 477 would be able to fund that initiative. Okay. I'll yield. Thank you.

CHAIRPERSON VILORIA•FISHER:

We do have a list. Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Just very quickly. Okay, thank you. I want to pick up on a point Legislator Kennedy just made. I was also going to ask you about the possible rescinding of the lis pendens parcels and what your policy considerations were on that, whether or not you thought that was appropriate to do? And you've made it clear that you feel that in good faith we should not do that, but we will refund a down payment to anyone wishing to get out from under that contract due to the delay. Is that accurate?

MS. ZIELENSKI:

Yes. And have refunded.

LEG. D'AMARO:

And have done that. Okay. There's also a requirement, though, that after two years any incomplete sale or closing would have to come back to the Legislature. Is it your intention to bring that list of properties to us when the time comes?

MS. ZIELENSKI:

Certainly.

LEG. D'AMARO:

When is that due?

MS. ZIELENSKI:

December.

LEG. D'AMARO:

You may want to use the microphones so everyone can hear you.

MS. ZIELENSKI:

It's due in December of 2006 as a result of the date that the Legislature passed the approval for the contracts.

LEG. D'AMARO:

Okay. At that point do you believe we will •• after the two years, I mean, will you be making a recommendation to the Legislature whether or not the contracts should be rescinded or not? Based on market values or other considerations?

MS. ZIELENSKI:

I guess if asked I'd make a recommendation. Yes, sir.

LEG. D'AMARO:

Okay. I wanted to ask Budget Review in the BRO report that deals with the lis pendens properties, the very last clause in your paragraph states that the Real Estate Division should rescind the existing contracts and re•auction the properties to avoid the appearance of any impropriety. And I would like to just to ask Ms. Vizzini if you could just enlighten me as to the improprieties that you're speaking of in that report. I'm sorry, that's on page 210, second paragraph.

MS. VIZZINI:

That was underscoring our concern that in light of •• right •• it's the appearance of impropriety. It has to do with the increasing value of real property over the time that's elapsed. So that if someone was going to pay \$300,000 for something that is now worth considerably more than that, that's what that's about.

LEG. D'AMARO:

Okay. So it's really just a concern for the time lag and the appreciation in values and how that might be perceived if they close below market value or close to market value; if and when they close?

MS. VIZZINI:

That's correct.

CHAIRPERSON VILORIA•FISHER:

Is that it?

LEG. D'AMARO:

Yes. Ms. Zielenski.

MS. ZIELENSKI:

Does that mean if the values have gown down over the last two years we should have also rescinded the contracts? I mean, between now and the time this is settled there's nothing to say that the values will not have •• have gone down quite significantly. And in the meantime we've held 20% of these people's monies in cash. We pay them no interest. We give them no value except the hope that someday their dream house will be available to them.

LEG. D'AMARO:

Well, that's why I asked whether or not your department would be making a recommendation when you come back to us so we can have your thoughts on that at the appropriate time.

MS. ZIELENSKI:

Okay.

LEG. D'AMARO:

Okay.

MS. ZIELENSKI:

I think it just goes both ways with the value. Coincidentally this value has gone up. Other years it might have gone down.

LEG. D'AMARO:

Okay.

MS. ZIELENSKI:

And that our policy should be similar regardless. Not just do it when the prices go up.

LEG. D'AMARO:

Okay. Well, then I expect your memo to read that way in two months from now.

MS. ZIELENSKI:

Okay.

LEG. D'AMARO.

All right. I had another very quick question about the 477 fund, I guess, to Commissioner

Deering. Water Quality Protection and Restoration Programs, I know that Legislator Kennedy and I believe Legislator Romaine already talked about this but I wanted to get more of a handle on the justification for the administrative salaries as opposed to the capital projects. I need to know if the salaries are related at least to water quality? What these folks are doing? And how you justify it coming from that fund.

COMMISSIONER DEERING:

Yes. They are related. For example, the previous administration it will point to under the 477 program provided funding for the Vector Control Program, which has a significant water •• wetland restoration component to it, other staff associated with the development of that plan. Similarly, the division of water quality under this administration, the projects that the staff are working on are directly related to funded projects through the 477 program. So there's a storm water remediation program •• a storm water remediation project. We will have County staff associated with that project. So there is a direct relationship to capital projects and staffing.

And you know, the •• for example, some of the •• a number of the staff are working on issues related to the South Shore Estuary Reserve, the Peconic Estuary, the Long Island Sound. So again they're directly related to water quality improvements consistent with the legislation as it was designed back in •• I believe it was '98.

LEG. D'AMARO:

Okay, but the positions that are funded then are permanent positions; is that correct?

COMMISSIONER DEERING:

They are funded on an annual basis, I believe, out of the 477 funds.

LEG. D'AMARO:

Funded annually through the budget from that fund?

COMMISSIONER DEERING:

Through the 477 fund, yes.

LEG. D'AMARO:

All right. One last question, on the •• again previously brought up so I'll about very brief on the Toussie litigation, the Brownfield's revenue, etcetera •• well, let's look at the 5.5 million due to the tax sales anticipated in '07. What happens if we don't come to fruition on that litigation or prevail and we cannot have the tax sale? How does that affect the operation of your department?

COMMISSIONER DEERING:

Yeah. I believe that goes to the general fund. It's in •• it's reflected in the department's budget because Division of Real Estate would oversee the auction.

LEG. D'AMARO:

As of source of revenue ••

COMMISSIONER DEERING:

Yes.

LEG. D'AMARO:

•• into the general fund?

COMMISSIONER DEERING:

Yes.

LEG. D'AMARO:

Okay. Thank you.

LEG. KENNEDY:

Madam Chair?

CHAIRPERSON VILORIA•FISHER:

Legislator Losquadro is next on the list.

LEG. LOSQUADRO:

Good afternoon. I don't want to sound like a glass is half empty kind of guy here, but there seems to be an excessive glass is half full approach here. The County Executive seems to be incredibly

optimistic this year. We have a LIPA settlement. We have Brownfields. We have tax liens. There seems to be an awful lot of speculative money in this budget that, I'm sure Mr. Zwirn says it with a lot of conviction, that the County Executive is very optimistic that these settlements will take place this year.

I don't think from a budgeting standpoint we can stand on optimism alone. This is •• these are speculative funds. And constantly being faced with the specter of loss of revenue and finding offsets, as Mr. Zwirn pointed to, I think goes back to the fact that this money should not have been put in the first place. Because it is just that, it's speculative.

Many of the other points I was going to raise have already been discussed at length and I'm not going to belabor them. But, I just wanted to come back to this speculative revenue and the fact that, again, there seems to be an extreme sense of optimism that this money will materialize. I don't think that that is good budgeting practice. And I don't think it's money that should have been included in the first place. And I know that creates a problem of having to then find offsets, but we did not create that. This is part of the recommended budget from the County Executive. So Mr. Zwirn looks like he has a comment on this but it's something that we'll obviously have to address as a Legislature.

MR. ZWIRN:

If I may?

CHAIRPERSON VILORIA•FISHER:

Did you want an answer from him on this? Mr. Zwirn.

LEG. LOSQUADRO:

Well, he looks like he •• Mr. Zwirn looks like he has a comment. And no matter how often we ask him not to, he always seems to get that comment in.

MR. ZWIRN:

I was being very reserved. But since you asked, the LIPA settlement money is not in the budget. That's an off budget item. Because it is •• that's a big number. And that's why the County Executive suggested the way to return that money if the litigation is successful is through the gas card program as opposed to putting it in the budget one way or the another. So I think in that sense he is being very conservative. I think his numbers on sales tax are conservative.

And I think, you know, the bottom line is the County just received a report card from Wall Street, which is about as conservative as you get. And as a result the County's report card was the highest bond rating in the history of Suffolk County. That's pretty good.

LEG. VILORIA•FISHER:

Thank you.

LEG. LOSQUADRO:

Thank you for the comments Mr. Zwirn. I just again, reiterate the point that these revenues are speculative and even though the LIPA settlement ••

MR. ZWIRN:

Is off budget. It's an off budget item.

LEG. LOSQUADRO:

•• is proposed to be returned as a •• an off budget item as you said, it's still made for a great press release and got a lot of coverage as to money that may or may not be there come next year. So that's ••

MR. ZWIRN:

That was just coincidental, that's all.

LEG. LOSQUADRO:

Mr. Zwirn, that was my only comment. And as I said, this Legislature has some looking to do at funds that are purely speculative.

CHAIRPERSON VILORIA•FISHER:

I believe Legislator Kennedy had a question.

LEG. KENNEDY:

Yeah, just one follow•up and I guess and I need to pose this both to Commissioner Deering and to Ms. Zielenski. And I apologize, I don't see some kind of a evaluation or an analysis here. So I'm going to pose it to you simply.

Both of you have worked with me over the last year on two fairly complex real estate matters.

And you've done excellent work. They both hopefully, you know, knock wood, are going to come to fruition very soon. But all of us around the horseshoe here have those types of matters, as does the Executive with a master list, a priority list. My question to the two of you is, do you have adequate resources to meet the level of request that we present to you and at the same time do due diligence with those master lists? Do you have enough people to do the job?

COMMISSIONER DEERING:

The Division of Real Estate has been processing the master list, processing the properties, as potential sellers call the Division of Real Estate or Legislators. You will reach out to either myself or Pat and we are processing those. The division has the staff necessary to continue to move the program aggressively forward, yes.

LEG. KENNEDY:

And you concur, Ms. Zielenski?

MS. ZIELENSKI:

Actually, I'm interviewing now for the •• I'm interviewing now to backfill three positions that had been open during my tenure. And that will go a long way to put us in good position to go forward.

LEG. KENNEDY:

That I'm pleased to hear. Because I know that it's been, you know, a challenging process. And yes, you know, you •• it's commendable the rate of level that you've, you know, advanced the program. But I know that can't be done without folks. Okay.

MS. ZIELENSKI:

Thank you.

LEG. KENNEDY:

Thank you.

CHAIRPERSON VILORIA•FISHER:

Are there any other questions from the committee? Okay. Yes, I had hoped at the end of this committee to congratulate you on your new position. And to congratulate you for a very well •• for a job very well done. You certainly began your tenure with a demonstration of extraordinary patience. You did achieve the point that at which you wanted to start about a year•and•a•half before that point. And you took the ball and ran with it. You really hit the ground running. You've done a tremendous job. And its been a privilege to work with you.

COMMISSIONER DEERING:

Thank you.

CHAIRPERSON VILORIA•FISHER:

Good luck. If there are no •• if there is no further business, the meeting's adjourned.

(THE MEETING CONCLUDED AT 3:30 PM)

{ } DENOTES SPELLED PHONETICALLY